

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20 CV 53 MR WCM

| | | |
|-------------------------------------|---|-------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| APPROXIMATELY \$9,393.00 IN U.S. |) | |
| CURRENCY seized from Blade Frierson |) | |
| on September 26, 2019 in Buncombe |) | |
| County, North Carolina; |) | |
| |) | |
| APPROXIMATELY \$24,484.00 IN U.S. |) | |
| CURRENCY seized from Blade Frierson |) | |
| on September 26, 2019 in Buncombe |) | |
| County, North Carolina; and |) | |
| |) | |
| ONE 2019 TOYOTA TUNDRA |) | |
| CREWMAX TRUCK, |) | |
| VIN 5TFHY5F16KX809215 |) | |
| |) | |
| Defendants, |) | |
| |) | |
| BLADE CHRISTIAN FRIERSON, |) | |
| |) | |
| Claimant. |) | |
| |) | |

This matter is before the Court upon a Motion to Extend Stay (the “Motion to Extend,” Doc. 12) filed by claimant Blade Christian Frierson (“Claimant”), which requests that the stay in this civil forfeiture proceeding be extended pending the completion of a related criminal matter pursuant to 18

U.S.C. § 981(g)(2).¹

On April 7, 2020, this Court entered an Order staying this action for 90 days based on Claimant's description of numerous charges currently pending against him in the General Court of Justice for the County of Buncombe, North Carolina (the "State Charges") and his assertion that the instant forfeiture proceeding and the State Charges include allegations that Claimant was operating a drug trafficking operation using the subject currency and vehicle. See Doc. 6, ¶¶ 1(a)-(h), 2 & Doc. 7. The April 7, 2020 Order provided that after the expiration of the 90-day period (which would expire on July 6, 2020), the stay would automatically dissolve unless the Government or Claimant showed by motion reasons why the stay should not be lifted. Doc. 7.

On July 6, 2020, the Court extended the stay for 90 days, through and including October 5, 2020, based on Claimant's assertion that the related state criminal proceedings were still pending a probable cause determination in Buncombe County District Court and that the next court date for the state proceedings was July 17, 2020. Doc. 9.

On September 30, 2020 the Court extended the stay for an additional 90

¹ "Upon the motion of a claimant, the court shall stay the civil forfeiture proceeding with respect to that claimant if the court determines that--(A) the claimant is the subject of a related criminal investigation or case; (B) the claimant has standing to assert a claim in the civil forfeiture proceeding; and (C) continuation of the forfeiture proceeding will burden the right of the claimant against self-incrimination in the related investigation or case."

days, through and including January 4, 2021, based on Claimant's assertion that the related criminal proceedings were still pending a probable cause determination and that the next state court date for the criminal proceedings was December 11, 2020. Doc. 11.

On January 4, 2021, Claimant filed the instant Motion to Extend. Doc. 12. Claimant represents that the related criminal proceedings are pending a probable cause determination and that “[t]he next court date for those matters is scheduled for March 9, 2021.” Doc. 12 at 2. Additionally, Claimant states that counsel for the Government does not oppose an extension of the stay. Id. at 3.

The Court finds that a continuation of the stay of the proceedings is warranted under these circumstances.

Accordingly, the Motion to Extend Stay (Doc. 12) is **GRANTED**, and the stay previously entered in this matter is **EXTENDED** for a period of 90 days, through and including April 5, 2021. After the expiration of this extended period, the stay shall automatically dissolve unless the Government or Claimant show by motion reasons why the stay should not be lifted.

Signed: January 5, 2021



W. Carleton Metcalf
United States Magistrate Judge

